

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|--------------------------------------|---|------------------------------------|
| GREGORY LABOON, |) | |
| |) | Civil Action No. 05 - 303J |
| Plaintiff, |) | |
| |) | Judge Kim R. Gibson / |
| v. |) | Magistrate Judge Lisa Pupo Lenihan |
| |) | |
| LAWRENCE F. MURRAY, Secretary of the |) | |
| PA Board of Probation and Parole, |) | |
| |) | |
| Defendant. |) | |
| |) | |

ORDER

Defendants filed a Motion to Dismiss (Doc. No. 18) along with a brief in support on June, 2006. Plaintiff filed a Motion to Quash Motion to Dismiss as well as a Motion for Extension of Time to Respond to the Motion to Dismiss (Doc. No. 20) on July 5, 2006.

Therefore,

IT IS HEREBY ORDERED this 6th day of July, 2006, that Plaintiff's Motion to Quash Motion to Dismiss is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Extension of Time to Respond to Motion to Dismiss is **GRANTED**. Plaintiff shall file a response and brief in opposition to defendant's motion to dismiss no later than **August 2, 2006**;

IT IS FURTHER ORDERED that Defendants are allowed until **August 23, 2006**, to file a reply brief;

IT IS FURTHER ORDERED that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date

of service to file an appeal from this order to the District Court. Failure to timely file an appeal may constitute a waiver of any appellate rights.

s/Lisa Pupo Lenihan
LISA PUPO LENIHAN
U.S. Magistrate Judge

cc: Gregory LaBoon
AJ-2594
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